

IN THE HIGH COURT OF JUDICATURE AT BILASPUR (C.G.)

WRIT PETITION NO. 338 OF 2002

BETWEEN

Hari Shanker Agrawal S/o Shri Bisahu Lal Agrawal,
aged about 41 years, Proprietor of M/s Maa Jagdamba
Rice Mill, Darrabhata (Service No. 506360), R/o
Darrabhata, Tahsil and District Janjgir Champa.

PETITIONER

A N D

P. R. No. 338/02
Presented by Shri M. Keshavnarayan
dated 11/11/2002

1. The Chhattisgarh State Electricity Board,
Through its President, Raipur.
2. The Chief Engineer, C.S.E.B. Bilaspur ,
Bilaspur Division , Bilaspur (CG).
3. The Superintending Engineer,
Chhattisgarh State Electricity Board,
(Vitt) Bilaspur, District Bilaspur.
4. The Executive Engineer,
(O&M), CSEB, Champa,
District Janjgir Champa.
5. The Junior Engineer ,
CSEB, Champa (Town),
District Janjgir Champa.



RESPONDENTS

WRIT PETITION UNDER ARTICLES 226/227 OF THE
CONSTITUTION OF INDIA

आदेश पत्रक

मामला क्रमांक W.P. No. 358/2002 सन् 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	<u>26-8-2002</u> Shri Prashant Jaiswal, counsel for the petitioner. Shri R.S. Jaiswal, counsel for the respondents. Heard. The main challenge in this writ petition is to the notice of demand dated 22-11-2001, copy whereof is Annexure P-1 to the writ petition, whereby the petitioner has been called upon to deposit a sum of Rs.1,69,255/- within a period of three months from the date of notice, under Section 40 of Madhya Pradesh Electrical Undertakings [Dues Recovery] Act, 1961. It is the case of the petitioner that the demand is wholly illegal & unwarranted and liable to be quashed. According to the petitioner, the meter was defective which inspite of the representation made by the petitioner was not rectified / replaced and than on account of defective meter he has been called upon to pay electricity charges which in fact he has not consumed that much of power. On the contrary, it is the case of the petitioner that there has been some excessive billing and ^{he} is entitled to refund. Accordingly, he has prayed for quashing of the notice of demand and for a direction to the opposite party to restore the power supply, which was disconnected and for refund of excessive amount paid.	

[पीछे देखिये]

आदेश पत्रक

मामला क्रमांक W.P. No. 338/02 सन् 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित — 2 —	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	On being noticed, the opposite parties have entered appearance and denied the relief claimed. It is submitted by the learned counsel that there was nothing wrong in the meter and as the petitioner was not paying electricity charges the power line was disconnected and thereafter notice of demand was issued in accordance with law. During the pendency of the writ petition, it appears that there has been some re-thinking / settlement between the parties and on the prayer made by the learned counsel, this writ petition is being disposed of on the following terms and conditions: 1. That, the petitioner undertakes and shall pay to the respondent - Electricity Board a sum of Rs.1,69,255/- in three installments as under: (a) The first installment of Rs.1 Lac shall be paid on or before 20-9-2002. (b) The second installment of Rs.35,000/- shall be paid on or before 30-10-2002. (c) The third installment of Rs.34,255/- shall be paid on or before 15-12-2002. 2. That, on payment of first installment of Rs.1Lac as directed above, the Electricity Board shall give a fresh power connection to the	

[पीठे देखिये]

- 3 -

आदेश पत्रक

मामला क्रमांक

M.P. No. 338/02

सन् 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	petitioner's firm on payment of connection charges in accordance with the demand note which shall be issued by the Board to the petitioner and after fulfillment of necessary formalities, the action in providing a fresh connection shall be taken promptly within a period of one week from the date of deposit of connection charges by the petitioner. 3. That, in case of default in payment of second or third installment, the State Electricity Board shall be at liberty to disconnect the power supply in accordance with their rules and regulation governing the field. With the above observation and direction, this writ petition stands disposed of. Consequently, M.(W)P. No. 777/2002 & I.A. No.4852/2002 also stand disposed of.	Sd/- P. C. Naik Judge

Roshan

[पीछे देखिये]